

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION)	CASE NO. 1:17-MD-2804
)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:)	
“All Cases”)	
)	
)	<u>ORDER REGARDING</u>
)	<u>BELLWETHER SCHEDULING</u>

The Court earlier selected five new bellwether trial cases against the Pharmacy Defendants, and directed the parties to file proposed case management orders (“CMOs”) for each case. *See* docket no. 3688. After the parties could not agree on numerous issues, Special Master Cohen directed the parties to submit competing proposed CMOs for just one of the five cases – *Montgomery County, Ohio v. Cardinal Health*. The Court then resolved the parties’ disagreements and issued a CMO for that case alone. *See* docket no. 3769.

The Special Master next directed the parties to: (1) submit proposed CMOs for the remaining four bellwether cases (with as much agreement as possible); and (2) make *County of Tarrant, Texas v. Purdue Pharma* the next case ready for remand and trial. Defendants, however, object to the latter directive and ask for permission to brief the question of bellwether case-sequencing.

Accordingly, the Court directs Plaintiffs and Defendants to each submit a single position

paper of five pages or less addressing the sequence of the other four bellwether cases. These position papers should be submitted by noon on Friday, July 9, 2021. The parties should first meet and confer and come to as much agreement as possible.

IT IS SO ORDERED.

/s/ *Dan Aaron Polster*

**DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE**

Dated: June 28, 2021